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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,304	04/05/2001	Robert R. Turnbull	GEN10 P-397	4135

7590

05/03/2004

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EXAMINER
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TONG, NINA C

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 05/03/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/827,304

Applicant(s)

TURNBULL ET AL.

Examiner

Nina Tong

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 116-141, 144, 149-186 and 188-314 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 116-141, 144, 149-186 and 188-314 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claim 116 is generic to a plurality of disclosed patentably distinct species comprising:

**Species I**: "A rearview mirror assembly with a mounting structure housing an audio/data signals transceiver to wirelessly communicate with a portable device to control the device associated with the vehicle". (Drawing 11)

**Species II**: A rearview mirror assembly with a mounting structure housing the pushbutton for manually controlling the device associated with the vehicle. (Drawing 11 or 12)

***If Species I is elected, please select the following species:***

**Species A**: embodiment one for mounting the microwave antenna to the rearview mirror assembly (fig.2A)

**Species B**: embodiment two for mounting the microwave antenna to the rearview mirror assembly (fig.2B)

***If either one of the Species A,B is elected, please select the following species:***

**Species 2A**: employing RFID to detect ID within a range (Figs.11-13)

**Species 2B**: employing telephone transceiver to detect ID within a range (Figs.11-13)

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**Species 2C:** employing the voice recognition to control a device via the controller  
(Figs.11-13)

**Species 2D:** inputting a code via the keypad of the portable telephone to be detected by  
the controller (Figs.11-13).

**Species 2E:** employing the telematics system to control a device (Figs.11-13).

***IF either one of Species 2A,2B,2C,2D and 2E is elected, please select the following species:***

**Species 1:** controlling the Door lock (figs.11-13).

**Species 2:** controlling the ignition (figs.11-13).

**Species 3:** controlling the navigation system (figs.11-13).

**Species 4:** controlling the blackbox recorder device (figs.11-13).

**Species 5:** controlling the power supply switches (figs.11-13).

**Species 6:** controlling the telephone/handsfree system (figs.11-13).

**Species 7:** controlling the vehicle function other than the above mentioned functions  
(figs.11-13).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though  
this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct,  
applicant should submit evidence or identify such evidence now of record showing the species to  
be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. A telephone call was made to Terry Callaghan on 04/30/04 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina Tong whose telephone number is 703-305-4831. The examiner can normally be reached on Mon-Wed. (9:30 -8:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nina Tong  
Primary Examiner  
Art Unit 2632



Nina Tong  
April 30, 2004